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Don Yon Nonpoint Source Pollution Coordinator 811 SW Sixth Avenue Portland OR 97204

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Dear Mr. Yon:

Experts agree that the greatest pollution source today for Oregon's rivers and groundwater is nonpoint source pollution. Yet the strategies we have in place for managing nonpoint source pollution are weaker than the wastewater permits and other tools we use for point sources. That is why it is important that Oregon's nonpoint source pollution management plan be more than a report to EPA that will sit on the shelf once completed. It should serve as a strategic plan for developing a more effective program, including measurable targets and a plan for evaluating progress. It is rather alarming that the last time the plan was updated was in 2000. We sincerely hope that it will not take another decade before the plan is again updated.

We appreciate the opportunity to comment on the draft planAs we reviewed the document we identified four primary ways it could be strengthened to meet EPA's key components for NPS program plans.

- 1. The plan lacks explicit objectives and annual milestones that are specific enough for the state to track progress and for EPA to determine satisfactory progress as required in EPA key component #1. It does not describe outcomes and key actions expected to address NPS pollution each year. Many of the items out lined in Table 1 do not actually identify specific actions, priorities, or timelines. For example:
  - a. While we believe the watershed approach basin reports are a valuble tool, the plan does not identify which basins are prioritized for developing these reports, how many will be developed, or whether the basins that already have reports are priority areas for NPS plan implementation. It simply says more will be developed sometime in the next four years.
  - b. There are no basin-specific projects or activities outlined in the plan.
  - c. The plan does not identify how many TMDL implementation plans will be developed, or where. How are EPA and DEQ to determine annually whether adequate progress is being made?
- 2. The plan is weak on prioritization of waters and watersheds as required in EPA key component #5. We agree that it makes sense to prioritize improving the agricultural water quality program, and DEQ plays an important role in ensuring that ODA's program is effective. This partnership between ODA and DEQ needs to continue to strengthen.

 However, this nonpoint source plan lacks broader strategic thinking from DEQ about which basins are highest priority and on what types of projects DEQ will focus its staff efforts over time. In addition, it is unclear how ODA's criteria for selecting focus areas and strategic implementation areas relates to DEQ's basin planning and "watershed approach" processes.

- 3. The plan does not identify specific measures to control NPS pollution and programs to implement them, nor does it have a schedule for implementation as required in EPA key component #6. Most of the activities described in the plan are very general and lack a specific schedule for implementation. For example, from Table 1: "Basin specific activities and projects will be prioritized through the various TMDL/NPS program processes"; timeline: 2014-2018. This lack of specificity is consistent throughout the plan, with a few exceptions of specific tasks outlined here and there.
- 4. The plan lacks a monitoring and evaluation strategy to measure success as required in EPA key component #8. DEQ does not have a water quality monitoring strategy designed to evaluate the effectiveness of TMDL implementation, nor are there strategies for assessing the effectiveness of program components. The draft plan does not include a schedule for measuring success.

In addition to these overarching comments, we have comments regarding certain sections of the plan.

## **Agriculture**

We are actively participating in ODA's effort to strengthen the agricultural water quality management program and make it proactive rather than complain based. We are encouraged by some of the new ideas proposed, and much more work needs to be done. It is critical for DEQ and ODA to ensure that area rules are sufficient to achieve water quality goals, including TMDL implementation, and are enforced across the state. DEQ staff should independently evaluate whether current ODA area rules are adequate to meet the program's mandate. A sufficiency analysis, similar to the one DEQ and ODF conducted for forestry practices, should be conducted for the agricultural water quality program to assess both 1) compliance with area rules, and 2) progress in achieving the goals in area plans and TMDL load allocations. This analysis will enable the program to focus on priority areas, and track progress over time. Additional resources should be dedicated to scaling up the number of Strategic Implementation Areas and Focus Areas, and supporting projects in both to meet area plan goals and rules.

## **Toxics**

We support the idea of expanding the scope of the Water Quality Pesticide Management Team to include fertilizers. Nitrate contamination of groundwater from fertilizers is a common problem in Oregon. We believe the successful Pesticide Stewardship Partnership model could be applied to projects that engage landowners in voluntarily changing fertilization practices. To incent changing practices on the ground, we support increasing the size and scope of ODA's Fertilizer Research Program to include providing tools and training in addition to research, and providing at least \$275,000 in grants annually, funded by increasing the annual fertilizer product registration fee to \$50/year.

## Groundwater

We agree that DEQ needs to identify areas outside the GWMAs that need additional groundwater protection actions. The new groundwater monitoring program will help identify those areas. DEQ lacks adequate staff capacity to analyze monitoring results and develop action

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plans to respond to areas with groundwater quality problems. We also agree that DEQ needs to better coordinate programs with roles in groundwater protection – within DEQ and also with partner agencies such as OHA and OSU Extension Service. An obvious step toward achieving this objective would be to fill the groundwater coordinator position that has been unfilled for many years.

## Urban and rural residential

We agree that DEQ needs to establish better coordination betweenstormwater and TMDL programs. We think the TMDL guidance for urban DMAs will help if it is specific about what is expected from urban DMAs. We are concerned that DEQ currently lacks the staff capacity to provide training to urban DMAs. OEC is currently working on a 319-funded project to create a Low Impact Development guidance manual for Western Oregon. When the guide is completed about one year from now, we will provide four trainings. If the timing is right, it would make sense to coordinate these trainings with the proposed training on the guidance for DMAs, since the guidance manual will help DMAs with one component of developing a post-construction stormwater program.

The discussion of the coastal nonpoint source management program refers to time-of-transfer onsite septic system inspections. This is a voluntary program. We are curious to know what impact the realtor education program is having, and how DEQ is measuring effectiveness. If the program is not effective at increasing inspections, an inspection requirement may still be needed. In addition, there is a need for a loan and/or grant program to help low-income homeowners repair or replace malfunctioning septic systems.

We urge DEQ to focus more of its attention on the nonpoint source program, because it is so critical to improving water quality. We look forward to continuing to partner with you on these efforts and would be happy to answer any questions you have about these comments.

Sincerely,

Teresa Huntsinger Water Program Director

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Allison Hensey

Agriculture and Watersheds Program Director